
REMARKS

Claims 1, 7, 9, 11, 12, 28, 30, 31, 36, 48, 52, 53, 55, 57, and 58 are amended, no claims are canceled, and claims 95 -105 are added; as a result, claims 1-65 and 95-105 are now pending in this application.

Claims 2, 5, 10, 15-27, 29, 34, 46, and 47 stand withdrawn. Claims 2 and 5 depend from claim 1. Consideration of claims 2 and 5 is requested if their parent claim 1 is found to be allowable. Consideration of claims 10 and 15-16 is requested if their parent claim 9 is found to be allowable. Consideration of claims 29 and 34 is requested if their parent claim 28 is found to be allowable. Consideration of claims 46 and 47 is requested if their parent claim 36 is found to be allowable.

Applicant further submits that the pending independent claims are believed to be generic to claims 15-27.

Specification Objections

The Office Action at page 2 objects to the specification. Applicant believes that appropriate corrections are made above. Specifically, serial numbers for the related applications are added. Moreover, applicant believes that all of the applications mentioned in the specification related at least generally to various aspects discussed in the specification. Reconsideration and withdrawal of the objections is requested.

§103 Rejection of the Claims

Claims 1, 3-4, 8-9, 13-14, 28, 32-33, 35-45, 48, 50-51, 54-56, and 59-65 were rejected under 35 USC § 103(a) as being unpatentable over Forbes et al. (U.S.5,991,225) in view of Bui (U.S. 6,163,049). Applicant respectfully traverses.

Applicant can not find all of the features recited in the claims in Forbes et al. and Bui, either alone or in combination.

Claim 1 recites, in part, the low tunnel barrier intergate insulator contacts the metal layer of the control gate and the floating gate. Applicant can not find this feature in Forbes et al. or Bui. Reconsideration and allowance of claim 1 and claims 3-4 and 8 depending therefrom are requested.

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Claims 9 and 28 each recite, in part, wherein the control gate includes a polysilicon control gate having a metal layer formed thereon in contact with the low tunnel barrier intergate insulator. Applicant can not find this feature in Forbes et al. or Bui. Reconsideration and allowance of claim 9 and claims 13-14 depending therefrom, and claim 28 and claims 32-33 and 35 depending therefrom are requested.

Claims 36-45, 48, 50-51 and 54-56 and 59-65 are believed to be allowable for at least similar reasons as stated above with regard to claims 9 and 28.

Claims 6, 11, 30, 52, and 57 were rejected under 35 USC § 103(a) as being unpatentable over Forbes et al. (U.S. 5,991,225) in view of Bui (U.S. 6,163,049) as applied to claims 1, 3-4, 8-9, 13-14, 28, 30, 32-33, 35-45, 48, 50-51, 54-56, and 59-65 above, and further in view of Kapoor (U.S. 5,498,558). Applicant respectfully traverses. First, these dependent claims are believed to be allowable with their respective parent claims. Moreover, each of claims 11, 52, and 57 recite subject matter that applicant can not find in Forbes et al., Bui, and Kapoor, either alone or in combination. Specifically, claims 11, 52 and 57 each recite, in part, the metal layer of the floating gate is continuous. The applied documents do not teach this feature. Moreover, Kapoor teaches away from this feature as it has a discontinuous metal layer. Reconsideration and allowance of these claims is requested.

Allowable Subject Matter

Claims 7, 12, 31, 53, and 58 were objected to as being dependent upon a rejected base claim, but were indicated to be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Claims 7, 12, 31, 53, and 58 are so rewritten. Applicant notes that the reasons for allowance state:

a polysilicon floating gate having a metal layer formed thereon in contact with the low tunnel barrier intergate insulator and a polysilicon control gate having a metal layer formed thereon in contact with the low tunnel barrier intergate insulator. . .

However, claim 31 does not include the feature of the floating gate includes a polysilicon floating gate having a metal layer formed thereon in contact with the low tunnel barrier intergate insulator. In view of this applicant adds claim 95, which generally includes the subject matter of claim 31 and the floating gate feature.

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Conclusion

Applicant respectfully submits that the claims are in condition for allowance and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's attorney ((612) 349-9587) to facilitate prosecution of this application.


If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

Respectfully submitted,

LEONARD FORBES

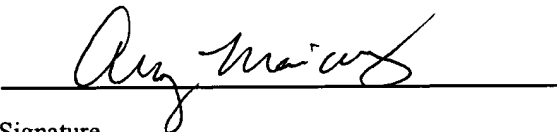
By his Representatives,

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Date 20 March 2003 By 
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CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to: Commissioner of Patents, Washington, D.C. 20231, on this 20th day of March, 2003.

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